

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BRENDA WALL,

Plaintiff,

-against-

DO & CO NEW YORK CATERING, INC.

Defendant.

Case No. 18-cv-03725 (ADS/AKT)

**NOTICE OF DEPOSITION**

**PLEASE TAKE NOTICE THAT**, pursuant to Rules 69(a)(2) and 30(b)(6) of the Federal Rules of Civil Procedure, on May 20, 2020, Plaintiff, BRENDA WALL, by her attorneys, Leeds Brown Law, P.C., will take the deposition upon oral examination of a designated person of Defendant, DO & CO NEW YORK CATERING, INC (“DO&CO”), about the information listed in Schedule A known or reasonably available to the Defendant, before a Court Reporter or other officer who is authorized by law to administer oaths, to be conducted at the offices of Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York, via telephone, videoconference, or other remote means, commencing at 10:00 a.m. and continuing from day-to-day at the same time and place until completed or at such time and place at which the parties or their attorneys may stipulate so that arrangements can be made for a time and place agreeable to all parties.

That the said person to be examined are required to produce at such examination the following: all records, documents, notes, memoranda, correspondence, papers, photographs, facsimile transmissions, documentary evidence and other writings and papers and other materials in the possession of the deponent and relative to the issues pertaining to the captioned action.

Dated: Carle Place, New York  
May 7, 2020

Respectfully submitted,

**Leeds Brown Law, P.C.**

\_\_\_\_\_/s/\_\_\_\_\_  
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## SCHEDULE A

Pursuant to the Federal Rule of Civil Procedure 30(b)(6), the Defendant's officers or designees shall be prepared to testify regarding the following subjects, which all relate to Plaintiff's First Post Judgment set of Interrogatories and Request for the Production of Documents and which information should be known or reasonably available to the Defendant

1. Tax Returns: The existence, location, and content of any federal income tax returns and IRS Forms 940 and 941 for DO&CO and for any entity in which DO&CO owns any legal or equitable interest for the years 2017 through the latest return you have filed, including all schedules and exhibits. Include all United States gift tax returns filed by you since 2017 to the present.
2. Financial Statements: The existence, location, and content of all financial statements prepared by DO&CO for itself and for any entity in which DO&CO owns any legal or equitable interest for the past two (2) years. The existence, location, and content of all statements regarding DO&CO's financial condition furnished or exhibited to any person or entity by DO&CO in the last two (2) years.
3. Bank Accounts – Statements: The existence, location, and content of any and all bank statements for accounts in DO&CO's name and in the name of any entity in which DO&CO owns a legal or equitable interest the past two (2) years.
4. Bank Accounts – Checks: The existence, location, and content of any checks, drafts, or money orders issued by DO&CO and by any entity in which DO&CO owns a legal or equitable interest the past two (2) years.
5. Real Property Owned: The existence, location, and content of each document which provides a description and/or value for each interest in real property owned by DO&CO (including but not limited to deeds, notes, deeds of trust, insurance policies, closing statements, ad valorem tax statements, and appraisals) the past two (2) years, regardless of whether or not such property is still titled in DO&CO's name as of this date.
6. Real Property Owned by Entities in Which You Have an Interest: The existence, location, and content of each document which provides a description and/or value for each interest in real property owned by entities in which DO&CO has a legal or equitable interest (including but not limited to deeds, notes, deeds of trust, insurance policies, closing statements, ad valorem tax statements, and appraisals) the past two (2) years, regardless of whether or not such property is still titled in DO&CO's name as of this date.
7. Oil and Gas Leases: The existence, location, and content of all oil and gas leases and division orders in which DO&CO has an interest, either as lessor, lessee, trustee, or beneficiary.
8. Partnership Interests: The existence, location, and content of all joint venture agreements, general partnership agreements, limited partnership agreements, certificates of limited

partnership, and other documentary evidence of any form of partnership agreement(s) entered into by or with DO&CO.

9. Transfers of Real Property by You: The existence, location, and content of all documents pertaining to the sale or transfer of any of DO&CO's real property to third parties within the past two (2) years, such documents to include without limitation contracts, agreements, deeds, promissory notes, deeds of trust, modifications, extensions, work orders, invoices, receipts, checks and other documents.
10. Transfers of Real Property by Entities in Which You Have an Interest: The existence, location, and content of all documents pertaining to the sale or transfer of any of real property by any entity in which DO&CO has a legal or equitable interest to third parties within the past two (2) years, such documents to include without limitation contracts, agreements, deeds, promissory notes, deeds of trust, modifications, extensions, work orders, invoices, receipts, checks and other documents.
11. Leases and Executory Contracts: The existence, location, and content of any leases, residential or commercial, and executory contracts in which DO&CO has an interest.
12. Litigation: The existence, location, and content of all documents which refer or relate to other lawsuits in which DO&CO is are presently involved or have been involved in within the last two (2) years, including any unsatisfied judgments in which DO&CO is the judgment creditor; any other unsatisfied judgments against DO&CO or for which DO&CO is liable; and any filing in bankruptcy by DO&CO.
13. Non-Realty Owned: The existence, location, and content of each document which provides or reflects a title, description, and/or value for each interest in non-real property owned by DO&CO (including but not limited to title certificates, registrations, insurance policies, receipts, and appraisals) within the past two (2) years, regardless of whether or not such property is still titled in DO&CO's name as of this date. This includes all documents which provide a description of the following items owned by DO&CO in the past two (2) years, including the present value of the item and the amount of the indebtedness outstanding against the item:
  - a. stocks, bonds, or other securities, including the name and address of the corporation in which the equity or shares are owned, and dividends paid or payable to DO&CO within the last two (2) years;
  - b. mortgages or liens on real or personal property;
  - c. promissory notes, drafts, bills of exchange, or other commercial paper;
  - d. judgments;
  - e. savings bonds or other government-issued bonds or treasury bills;
  - f. any interests in oil, gas, or mineral leases;
  - g. certificates of deposit, letters of credit, money orders, cashier's checks, travelers' checks bank deposits, escrow funds, safety deposit boxes, savings accounts, or accounts at any financial institution or organization;

- h. keogh plans, individual retirement accounts, deferred compensation plans, prepaid funeral plans, retirement benefits, or other retirement plans;
  - i. a copy of each of DO&CO's reports or plans relating to pensions or profit sharing.
  - j. leases, life estates, remainder interests, or other interests in real property; and
  - k. patents, copyrights, trademarks, franchises, and other licenses.
14. Transfers of Non-Realty: The existence, location, and content of all documents pertaining to the sale or transfer of any of DO&CO's non-real property to third parties within the past two (2) years, such documents to include without limitation assignments, transfer documents, bills of sale, and the like.
  15. Transfers of Non-Realty by Entities in Which You Have an Interest: The existence, location, and content of all documents pertaining to the sale or transfer of any of any non-real property by any entity in which DO&CO owns a legal or equitable interest to third parties within the past two (2) years, such documents to include without limitation assignments, transfer documents, bills of sale, and the like.
  16. Communications Relating to Transfers: The existence, location, and content of all communications, correspondence, email, or memoranda sent, received, or exchanged by DO&CO pertaining to the transfer by (a) DO&CO of any real or personal property to third parties within the last calendar year; and (b) any entity in which DO&CO owns a legal or equitable interest to third parties within the last calendar year.
  17. Accounts Receivable: The existence, location, and content of any promissory note, judgment, or statement of account(s) receivable evidencing any debts owed to DO&CO and for any debts owed to any entity in which DO&CO has a legal or equitable interest. The existence, location, and content of any other instrument that secures a debt of DO&CO.
  18. Ownership interests in business entities: The existence, location, and content of all documentary evidence of DO&CO's ownership interest all business entities in which DO&CO has a legal or equitable interest, including but not limited to any limited liability company, corporation, trust, general partnership, limited partnership, or other entity, including any "dba," in which DO&CO owns or claims, or has owned or claimed, any interest within the past two (2) years.
  19. Ownership interests in non-business entities: The existence, location, and content of all documentary evidence of DO&CO's ownership in all non-business entities (e.g., living trusts, testamentary trusts, non-profit organizations, and the like) in which DO&CO has a legal or equitable interest.
  20. Trustorships and Trusteeships: The existence, location, and content of all documentary evidence of DO&CO's role in any entity in which DO&CO serves as trustor and/or trustee, including but not limited to (1) the trust agreement for such entity; (2) copies of the deeds to any real property held by the trust; and (3) any inventory or written record of any non-real property held by the trust.

21. Professional licenses: The existence, location, and content of all professional licenses DO&CO possess, whether there are any reprimands, suspensions, revocations, or any other similar action that may have been taken against DO&CO.
22. Litigation: The existence, location, and content of all judgments that may exist in: (a) current cases in litigation in which DO&CO is a party; (b) past litigated cases in which DO&CO was a party for the past two (2) years.
23. DBA Certificate(s): The existence, location, and content of any DBA (i.e., “doing business as”) certificates that are or have been registered to DO&CO’s name or the name of any entity in which DO&CO has a legal or equitable interest.
24. Company and Corporate Documents: The existence, location, and content of all certificates of formation, articles of incorporation or organization, partnership agreements (general or limited), or joint venture agreements that form the basis of any entity in which DO&CO now claims or has claimed any legal or equitable interest within the past two (2) years.
25. Documents Relating to DO & CO NEW YORK CATERING, INC.: The existence, location, and content of all:
  - a. certificates of formation or certificates of incorporation;
  - b. minutes of organizational meeting of members or shareholders;
  - c. minutes of meetings of the board of directors, if any;
  - d. annual minutes of meetings;
  - e. company or corporate resolutions;
  - f. share certificates or member certificates; and
  - g. IRS tax returns.
26. Documents Pertaining to Foreign Entities: The existence, location, and content any registration from the New York Secretary of State’s office that you are registered to do business in New York.
27. Records Pertaining to Real Estate Owned: The existence, location, and content of all records pertaining to all real estate (including oil, gas, and other minerals) in which DO&CO rents, owns or claims, or has rented, owned or claimed, any interest within the past two (2) years, including but not limited to any and all deeds, mortgages, deeds of trust, liens, leases, promissory notes, surveys, and settlement statements of purchasers or sellers, together with any evidence showing monthly payments and present outstanding balance of principal and interest.
28. Loan Application Documents: The existence, location, and content of any and all loan applications, personal financial statements, profit and loss statements, cash flow projections, business models, and/or records containing financial information of any nature that have been prepared by DO&CO or any other person for DO&CO or for any other entity in which DO&CO’s ownership percentage exceeds 25% and that have then been submitted to banks or other lenders in order to seek financing within the past two (2) years.

The existence, location, and content of any financing statement or UCC statement filed against DO&CO.

29. Professional Contracts and Agreements: The existence, location, and content of any contract of employment with any attorney, private investigator, accountant, appraiser, testifying expert or consulting expert, or any other person engaged by DO&CO or DO&CO's attorneys in connection with this suit, including every document or tangible thing constituting or containing evidence or information relating to all payments made to any such persons or entity and all statements or invoices received from any such person or entity.
30. Formation Documents: The existence, location, and content of all formation documents, including without limitation, certificates of formation, articles of incorporation or organization, partnership agreements, or joint venture agreements that form the basis of any entity in which DO&CO now claims or has claimed any legal or equitable interest within the past two (2) years.
31. Insurance Policies: The existence, location, and content of all life insurance policy purchased in whole or in part by DO&CO.
32. Inventories: The existence, location, and content of all inventories taken of DO&CO's property in the past two (2) years. If the copies amount to more than one hundred pages, you may comply by stating that they may be inspected or will be made available without a court order.
33. Transfer of Options: The existence, location, and content of all contracts or other agreements by which DO&CO granted an option to any person or other entity to purchase any or all of its assets in the last two (2) years
34. Records of Transactions: The existence, location, and content of all records (including but not limited to checkbooks, books, ledgers, memoranda, other written documents, tape recordings, and computer records) of receipts, disbursements, and other business transactions of DO&CO kept within the past two (2) years.
35. Reports by Accountants: The existence, location, and content of all reports by any accountant, bookkeeper, or certified public accountant, generated for or on behalf of DO&CO in the past two (2) years. If the reports amount to more than one hundred pages for all of them, you may comply by stating that they may be inspected or will be made available without a court order.
36. Other: The existence, location, and content of any other item requested in Plaintiff's First Post Judgment set of Interrogatories and Request for the Production of Documents.